

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON 25, D. C.

December 1, 1954

DEPARTMENTAL CIRCULAR NO. 775

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: New Appointment System for the Competitive Service

I. INTRODUCTION

The Civil Service Commission has been authorized and directed by the President, in Executive Order No. 10577 to establish and administer a career-conditional appointment system for the competitive service. This new system, which will be effective January 23, 1955, has been designed to permit adjustment of the career service to necessary fluctuations in Federal employment, and to provide equitable and orderly principles and practices for stabilizing the Federal work force. It will improve our effectiveness in attracting high quality applicants to the career service and in retaining them.

In the development of this plan, the Commission has had the benefit of the advice and assistance of agency representatives, and has consulted with employee and other groups who will be affected by the new program. As a result, there is confidence that the program for putting this new system into effect, and for making an orderly transition from the present indefinite appointment system, is practical as well as comprehensive.

This circular outlines the principal features of the new system, for the information of management officials not directly concerned with the technical aspects. It also includes several suggested steps which agencies can take immediately. Operating instructions for the new system are being issued in a separate departmental circular No. 776 and Federal Personnel Manual Transmittal Sheet No. 478, and subsequent revisions of the Federal Personnel Manual. These are scheduled to reach agencies in advance of the effective date of the new system in order to provide time for necessary agency plans and instructions to be developed and distributed.

II. FUTURE APPOINTMENTS IN THE COMPETITIVE SERVICE

On and after January 23, 1955, appointments from civil service registers will be career-conditional. Career-conditional employees will have civil service status. They can be moved within and between agencies and reemployed after a break in service without again meeting competition in a civil service examination. They will be subject to the Civil Service Retirement Act.

Career-conditional employees will have to prove their interest in a career in the Federal service by completing three years of substantially continuous service before becoming full career employees. Career employees will be separated after career-conditional employees in reduction in force and will have additional consideration in placement in other Federal agencies if separated by reduction in force.

Career-conditional employees will serve a one-year probationary period during which they may be removed on simple notice. The probationary period is a part of the examination designed to test the competence and work habits of new employees. Appointing officers are obligated to remove or reassign during the probationary period employees whose services are not satisfactory. This responsibility can be carried out only by a most careful review of the performance of probationers and separation or reassignment of those whose service is not fully satisfactory. Care should be taken to distinguish the one-year probationary period from the three-year conditional period. The probationary period is a part of the test of the employee's ability. The three-year conditional period is established only to measure the employee's interest in, and the Government's ability to provide, a career in the Federal service.

Initial career appointments will be made only in the Post Office field service and to a few other positions where required by law. Appointments made when there are no eligibles available on civil service registers will be temporary and employees so appointed will later be replaced by eligibles from civil service registers. Preference will be given to veterans in making temporary appointments and regular qualifications standards will be applied.

Compensably disabled veterans given temporary appointments will be eligible for career-conditional appointments without qualifying in competitive examinations. They will be eligible for career appointment on completion of probation. This provision expires December 31, 1957.

III. APPLICATION TO PRESENT INDEFINITE EMPLOYEES

Since September 1, 1950, practically all appointments have been indefinite, giving no eligibility for a career in the Federal service. Both employees appointed from civil service registers and those appointed outside registers were given indefinite appointments. Persons with civil service status were also given indefinite appointments.

Indefinite employees properly selected from civil service registers will on the effective date of the new program be given career or career-conditional appointments, depending on whether they have completed three years' service. Employees with civil service status given indefinite appointments noncompetitively will also be given career or career-conditional appointments on the effective date of the new program. Indefinite employees selected from registers in regular order serving in excepted positions on January 23, 1955 will acquire competitive status or eligibility for competitive status.

Indefinite employees not eligible for conversion will continue to serve for the time being under indefinite appointments. They must meet open competition in civil service examinations in order to receive career or career-

conditional appointments. However, many of these indefinite employees were not appointed from registers because of emergency procedures necessary to speed recruiting since 1950. These employees have considerable equity which cannot feasibly be considered on an individual basis.

Therefore, several privileges will be given indefinite employees not appointed from registers. These special privileges will, without sacrificing competitive principles, assist employees in securing appointments from civil service registers and will assist agencies in making a smooth transition. The most important privilege will be the right to file applications in two civil service examinations no longer open to the general public. The examinations must be appropriate for filling positions in the establishment in which the employee is serving.

Indefinite employees not appointed from registers who are compensably disabled veterans will be eligible for career or career-conditional appointment without meeting competition in civil service examinations. They must meet the eligibility standards applied to candidates in open competitive examinations. This provision expires December 31, 1957.

IV. APPOINTMENTS IN THE EXCEPTED SERVICE

Excepted positions may be filled by appointment of persons without competitive civil service eligibility or competitive status. Names of eligibles on Commission registers may informally be made available for filling excepted positions but no person appointed to an excepted position shall acquire competitive status by reason of such appointment. Likewise, whenever a person having competitive status accepts an appointment to an excepted position his appointment shall not be treated as having been made under authority of the Civil Service Regulations.

The order authorizes the Commission to enter into an agreement with any agency which fills excepted positions through an established merit system for transfer of qualified employees between the competitive service and the agencies established merit system. The Commission is presently studying the establishment of general standards under which such agreements can be made. Request for agreements should be withheld until those general standards are announced.

To the extent permitted by law and by the provisions of Civil Service Rule VI, appointments and position changes in the excepted service will be made in accordance with such regulations and practices as the head of the agency concerned finds necessary. Agencies may, but are not required to, adopt for the excepted service a system similar to the career-conditional system.

V. CEILING ON "PERMANENT" APPOINTMENTS IN THE EXECUTIVE BRANCH

The restrictions on permanent appointments in the Executive branch, both in the competitive service and in the excepted service, as provided in Executive Order 10180, remain in effect until January 23, 1955.

DC 775(4)

Agencies should continue, therefore, to administer those restrictions in the excepted service until that date.

Section 1310 of the Supplemental Appropriations Act, 1952 (65 Stat 757), as amended, authorizes an over-all ceiling on permanent-type appointments not to exceed 10 percent above the total number of permanent employees on September 1, 1950. The Executive Order authorizing the career-conditional program makes the Commission responsible for setting up controls, after consultation with agencies, to stay within this over-all ceiling.

An Interagency Advisory Committee has been established to study this problem. It is expected that the Committee will make a recommendation to the Interagency Advisory Group which in turn will recommend to the Commission steps to be taken to effect this control. It is expected that necessary instructions on this matter will be issued by the Commission prior to January 23, 1955.

VI. AGENCY RESPONSIBILITY

The full cooperation of all agencies is essential to an orderly transition to the new appointment system. We suggest that the following steps will be necessary immediately:

1. Arranging to give advice and counsel to all employees concerning the new appointment system. There is attached to this circular a series of questions and answers which may be used for this purpose or agencies may prepare their own material for advising employees based on Departmental Circular No. 776.
2. Issuing any supplementary instructions including instructions concerning the filling of excepted positions.
3. Identifying all employees, by the means stated in Departmental Circular No. 776, whose appointments will be changed by this program.
4. Reviewing current and future recruitment needs in order to support and develop the examining program of agency boards of examiners and Commission Examining Offices which serve the agency.



John W. Macy, Jr.
Executive Director

Attachment: Questions and Answers
Concerning the New "Career-
Conditional" Appointment System

QUESTIONS AND ANSWERS CONCERNING THE NEW
"CAREER-CONDITIONAL" APPOINTMENT SYSTEM

The President has signed Executive Order No. 10577 which authorizes a new appointment system for the competitive civil service. The new system will provide greater job security for hundreds of thousands of indefinite employees and will put the Federal appointment system back on a stable basis. Since 1950 practically no career appointments have been made, and the ranks of career workers have become seriously depleted. Last September new legislation made it possible to resume career appointments within a certain ceiling. This new program, which is the result of careful planning on the part of the Civil Service Commission and Federal agencies, represents a new approach to the rights, privileges, and obligations of career civil servants. It will also provide the needed flexibility to adjust to changing conditions, since it has built-in machinery to handle expansions of the Federal service during emergency periods.

Principal Features

Q. What is the new "career-conditional" appointment system in the Federal service and when is it effective?

A. Effective January 23, 1955, most new appointments from lists made up of people who have taken and passed civil-service examinations will be made on a "career-conditional" basis. This means that appointees become full-fledged career employees after they have served 3 years.

Q. Do the 3 years of service have to be continuous?

A. They have to be substantially continuous. In general, if a break of more than 30 days occurs, the employee begins to serve a new 3-year conditional period.

Q. Do all kinds of Federal service count toward the 3-year period?

A. No. In general, the 3-year period must begin with a nontemporary appointment to a position in the competitive service. An indefinite appointment, for instance, is a nontemporary appointment.

Q. Are there any circumstances under which a career employee who has served his 3-year conditional period will have to serve another conditional period?

A. No. Once the 3-year conditional period is served, a career employee will not have to serve it again.

Q. Does a career-conditional employee serve a probationary period?

A. Yes. He serves a 1-year probationary period, during which he can be dismissed if he does not learn how to do his job. A probationary period has always been a feature of career appointment and is considered part of the examination. After completing his probation, a career-conditional employee cannot be removed except for cause.

Q. Can a career-conditional employee be promoted and transferred?

A. Yes. His promotions and transfers are subject to the same conditions as those of career employees--he must meet civil-service qualification requirements and any applicable time limitations.

Q. Can a career-conditional employee be reinstated if he leaves the Federal service?

A. Yes. A nonveteran has 3 years during which he can be reinstated to a Federal position for which he is qualified without again competing in an examination. A veteran may be reinstated without time limit.

An employee who left the service while serving a probationary period will be required to serve a new probationary period after he is reinstated. Under most conditions, a career-conditional employee who is reinstated will have to begin a new 3-year conditional period.

Q. Where does a career-conditional employee stand in a reduction in force?

A. He is in Group II. The career-conditional employee has lower tenure rights and is dismissed ahead of a career employee in a reduction in force.

Q. If a career-conditional employee is reduced in force, what help will the Civil Service Commission give him in finding another Government job?

A. The Civil Service Commission will allow him to file applications for 2 jobs for which he is qualified, and will give him priority certification when requests are received from agencies to fill vacancies. The Commission will not order the displacement of any Federal employee in order to place him.

Q. Are career-conditional employees under the retirement system?

A. Yes, they are under the civil-service retirement system from date of appointment and 6 percent of their salaries will be deducted for this purpose. If they leave the Government before completing 20 years of service, they can get their deductions back plus interest for the time the money was in the retirement fund.

Q. Does a career-conditional employee become a career employee automatically after 3 years of continuous service?

A. Yes

Q. Are there any exceptions to the 3-year conditional period?

A. Yes. There are two main groups, as follows: Persons appointed to permanent positions in the field service of the Post Office Department become career employees after serving one year. Also, veterans with compensable disabilities who hold Federal jobs for one year or more may become career employees if they pass civil-service examinations and are recommended for career appointments by their agencies.

Q. Besides career and career-conditional appointments, what other types of appointments can be made under the new appointment system?

A. The other types are temporary for job employment and temporary pending establishment of a register. Neither of them can lead to a career appointment except in the case of a compensably disabled veteran, as described above.

How the New Program Affects Present Employees

Career Employees

Q. How does the career-conditional program affect present career employees?

A. It has very little effect upon present career employees. They continue to be career employees and the last to be affected in reductions in force. Their transfer and promotion privileges remain the same. After 3 years of service, nonveterans may be reinstated without time limit. Career employees who are veterans continue to have reinstatement privileges without time limit.

Employees Given Probational Appointments

Q. How are employees who received probational appointments during the indefinite-appointment period affected?

A. The relatively few employees who were given probational appointments since 1950 will become career employees. The 3-year conditional period will not apply to them.

Indefinite Employees

Q. How will indefinite employees be affected by the new system?

A. Of the 673,000 indefinite employees who are expected to be in the Federal service on January 23, 1955, it is estimated that 220,000 will become

career employees, 235,000 will become career-conditional, and 218,000 will remain indefinites.

Q. Into what groups can indefinite employees be divided as far as the effect of the new system is concerned?

A. The main groups are: (1) Employees serving under indefinite appointments in lieu of reinstatement, (2) employees who were appointed from civil-service lists of eligibles, and (3) employees who were hired directly by agencies. In addition, there is a special category for veterans with compensable disabilities.

Q. Will employees given indefinite appointments in lieu of reinstatement be entitled to career appointments?

A. Yes, if they have completed 3 years of substantially continuous service. If they have not yet completed these 3 years, they will be given career-conditional appointments.

Q. Will indefinite employees who are appointed from civil-service lists of eligibles be given career appointments?

A. They will be given either career or career-conditional appointments, depending upon whether they have completed 3 years of substantially continuous service.

Q. How can an employee who is not sure whether he was appointed from a register get an idea of whether his appointment can be converted?

A. He can look at the Standard Form 50 he received upon appointment. If the item 7, "Civil service or other legal authority," refers to a numbered civil-service certificate, and does not refer to Regulation 2.115(b), his appointment can probably be converted. If the Standard Form 50 refers to Regulation 2.115(b), he is probably not eligible for conversion. In any case, however, all the facts will have to be taken into consideration before a decision can be made, and the employee will be notified by his personnel office.

Q. Will an indefinite employee who was appointed from a civil-service list but who is serving in a job other than the one to which he was originally appointed be entitled to career or career-conditional appointment?

A. Yes, if the current job is in the competitive service and is not a temporary appointment for a limited period. This is true regardless of whether he got the job he is holding on January 23 by reassignment within the agency, by promotion, by movement to another agency, or by reemployment after resignation, reduction in force, or displacement.

Q. Will indefinite employees who were hired directly by agencies be entitled to conversion?

A. No, Since they were not selected from civil-service lists of eligibles, they cannot be given career or career-conditional appointments. Most of them, however, will be given a chance to qualify for these appointments through taking civil-service examinations.

Q. What steps should these employees take to secure career or career-conditional appointments?

A. The employee should file application for civil-service examinations. If the examinations he is interested in are open, he can file without further formality. If they are closed, he has the privilege of filing for not more than two examinations, provided the eligible lists are still in active use and would be used to fill jobs where he works.

In addition, there is a special provision permitting a veteran with a compensable disability to qualify for a career appointment by taking a non-competitive examination.

Q. How can employees find out what examinations are open and which closed examinations they can file for?

A. They can find out from their own personnel offices. The Civil Service Commission will furnish agencies with lists of examinations, open and closed. The personnel office will give each eligible employee two copies of a letter authorizing him to file late. One copy should be attached to each application for a closed examination.

Q. If an indefinite employee fails to pass an examination for which he filed a late application, will he be permitted to take it again?

A. No, he will be permitted to take it only once.

Q. What happens if an indefinite employee passes an examination appropriate for his job?

A. If he is within reach for appointment and is selected by his agency, his indefinite appointment will be converted to career or career-conditional according to the 3-year formula.

If he is not within reach for appointment, no conversion can be made. An indefinite employee who continues to hold his job and is later reached for appointment will be eligible for conversion at that time.

Q. What happens if an indefinite employee passes an examination that is not appropriate for his job?

A. It will give him eligibility for appointment to Government positions for which the examination is appropriate. It will not permit his conversion in the job he holds.

Q. What is the special provision for veterans with compensable disabilities?

A. A veteran with a compensable disability who holds an appointment not limited to a specific period may be recommended by the head of his agency to take a noncompetitive examination. If he passes it, he will receive career appointment as soon as he completes a 1-year probationary period. The 3-year conditional period will not apply to him.

A veteran with a compensable disability, even though serving under an appointment limited to a specific period, has this privilege if he stays on Government rolls in the job for more than a year through extensions of his appointment.

Q. How does the new system affect indefinites who left their jobs to perform military service?

A. Upon their return from military service, they will have the same privileges to have their appointments converted to career or career-conditional that they would have had if they had been on the job on January 23, 1955.

Q. Will former indefinite employees who are not working for the Government on January 23, 1955, but who may later return to the Federal service, be entitled to conversion?

A. No. Except for indefinites in the military service, they must be on Government rolls on January 23, 1955, the effective date of the new system, in order to be entitled to any conversion features provided.

Indefinite Employees Appointed to Excepted Positions

Q. Is any provision being made for giving status to indefinite employees who were appointed to excepted positions from civil-service lists of eligibles?

A. Yes. An indefinite employee who was appointed to an excepted position in regular order from a civil-service eligible list will be eligible for competitive status. This will permit him to move to positions in the competitive civil service without again taking an open competitive civil-service examination.

Q. What jobs in the excepted service have been sometimes filled from civil-service lists of eligibles?

A. It would have been possible for any job in the excepted service to be filled in this way, since agencies could ask for names from civil-service eligible lists to make civil service appointments if they wished to do so. This was true both for jobs in agencies excepted from civil service and for excepted jobs in agencies under civil service.